

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	)	Criminal No.	3:19-CR-207 (TJM)
)		
v.	)	Information	
)		
MICHAEL RUSHMER,	)	Violations:	18 U.S.C. § 2251(a) & (e)
	)		[Sexual Exploitation of a
Defendant.	)		Child]
	)		18 U.S.C. § 2252A(a)(2)(A)
	)		and (b)(1)
	)		[Distribution of Child
	)		Pornography]
	)		18 U.S.C. § 2252A(a)(5)(B)
	)		and (b)(2)
	)		[Possession of Child
	)		Pornography]
)		
	)	3 Counts & Forfeiture Allegation	
)		
	)	County of Offense:	Broome

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1
[Sexual Exploitation of a Child]

From in or about April 2017 through on or about December 1, 2017, in Broome County, in the Northern District of New York, defendant **MICHAEL RUSHMER** did use, persuade, induce, and entice V-1, a minor male child born in 2004 whose identity is known to the defendant, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting such commerce, and where the visual depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and where such visual depictions were actually transported and transmitted

using a means and facility of interstate and foreign commerce and in and affecting such commerce, in violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT 2
[Distribution of Child Pornography]

On or about April 9, 2017, in Broome County in the Northern District of New York the defendant **MICHAEL RUSHMER** did knowingly distribute child pornography using a means and facility of interstate and foreign commerce, shipped and transported in and affecting such commerce by any means, including by computer, in that the defendant distributed graphic image files of V-1 engaged in sexually explicit conduct to another person over the Internet, using an application called “Viber,” in violation of Title 18, United States Code, Sections 2252A(a)(2)(A), (b)(1) and 2256(8)(A).

COUNT 3
[Possession of Child Pornography]

On or about February 9, 2018, in Broome County in the Northern District of New York, defendant **MICHAEL RUSHMER** did knowingly possess material that contained one or more images of child pornography that had been transported using a means and facility of interstate and foreign commerce, and in and affecting such commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting such commerce by any means, including by computer, that is, an Acer Aspire 5349 laptop (serial number 13403325176), which contained numerous graphic images of minors engaged in sexually explicit conduct, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2256(8)(A).

This violation involved images of child pornography involving prepubescent minors and minors who had not attained 12 years of age, in violation of Title 18, United States Code, Section 2252A(b)(2).

FORFEITURE ALLEGATION

The allegations contained in Counts 1-3 of this Information are hereby realleged and incorporated by reference herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.

Pursuant to Title 18, United States Code, Section 2253, upon conviction of the charges alleged in Counts 1-3, the defendant, **MICHAEL RUSHMER**, shall forfeit to the United States of America:

- a. Any visual depiction described in Title 18, United States Code, Sections 2251 and 2252A (incorporating the definition of child pornography in 18 U.S.C. §2256(8)), or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense, and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

The property to be forfeited includes, but is not limited to:

- a. one Motorola Moto G Play cellular telephone, electronic serial number:
354140072975101, IMSI: 310260967828612;
- b. one Acer Aspire 5349 laptop, serial number: 13403325176

c. one Amazon Fire Tablet, Model SV98LN, FCC ID: 2AETF-1013

If any of the property described above, as a result of any act or omission of the defendant:

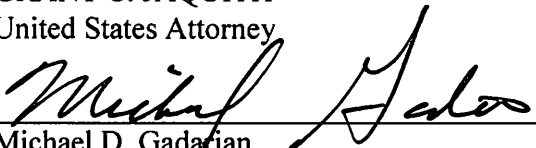
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party,
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without

difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853 (p), as incorporated by Title 18, United States Code, Section 2253(b) and by Title 28, United States Code, Section 2461(c).

Dated: August 20, 2019

GRANT C. JAQUITH
United States Attorney

By:



Michael D. Gadian
Assistant United States Attorney
Bar Roll No. 517198